

EXHIBIT B

HONORABLE RICHARD A. JONES

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

Plaintiff

v.

ROMAN VALERYEVICH SELEZNEV,

Defendant.

Case No. 11-0070RAJ

**DECLARATION OF RANDALL
KARSTETTER**

I, Randall Karstetter, declare as follows:

1. I am over the age of eighteen, I have personal knowledge of the facts set forth herein, and I am competent to testify to them at trial.

Affiliation and Qualifications

2. I have been retained by counsel for Defendant Roman Seleznev in this matter.

3. I am a Computer Forensics Expert. My qualifications are set forth in my current *c.v.*, attached as Exhibit A to this Declaration.

REASONS WHY THE ORIGINAL SONY VAIO LAPTOP MUST BE TESTED

4. POTENTIAL DIFFERENCES BETWEEN COMPUTERS PURCHASED IN THE UNITED STATES AND OUTSIDE THE UNITED STATES: From my reading of discovery it appears Mr. Seleznev spent most of his time living in either Russia or Indonesia. I have spent six years living and working as a computer professional outside the United States and I am personally aware that computer hardware and software purchased outside the United States can be different than what is purchased in the United States. I have personally observed hardware and software sold in Saudi Arabia and Hong Kong which were either “knockoffs” or “unlicensed or unauthorized” products. “Knockoffs” are products which have the same product make and model name and look virtually identical to the copyrighted manufacturer’s product but were not made and sold by the copyrighted manufacturer. Therefore, their function compared to the copyrighted manufacturer’s product may be different. “Unlicensed or unauthorized” products are copies of the copyrighted manufacturer’s product (most commonly software) in which the packaging and appearance may not appear identical to the copyrighted manufacturer’s product. I believe both Russia and Indonesia have been identified as countries which do not protect United States copyright laws. Therefore, the possibility exists if Mr. Seleznev purchased his Sony Vaio laptop in either of these countries, the hardware and software on his laptop may or may not be identical to what is found on a Sony Vaio laptop purchased in the United States. Which means an attempt to test a Sony Vaio laptop purchased in the United States to determine the function and operation of Mr. Seleznev’s Sony Vaio laptop may yield inaccurate results. Therefore it is imperative in order to determine how Mr. Seleznev’s laptop truly works to perform testing directly on the Sony Vaio laptop.

1 5. POTENTIAL DIFFERENCES BETWEEN TWO SAME MAKE AND MODEL
2 LAPTOPS: There is no guarantee that two identical make and model laptops, one having been
3 used by an end user and one purchased to perform a comparison testing with the end user's
4 laptop, will perform exactly the same. There is the possibility of each having unique production
5 line defects or component failures or degradations after being used. The end user could have
6 added hardware components (such as more RAM, SD card for ReadyBoost, or changed the Solid
7 State Drive (SSD) drive) which would alter performance versus a standard factory laptop. The
8 end user could have gone into the Basic Input/Output System (BIOS) settings on the motherboard
9 and overclocked the CPU, changed memory wait states, changed power settings and many more
10 settings that would cause his laptop to function differently than a standard factory laptop. The
11 idea of making a cloned image of Seleznev's laptop drive, installing it into another laptop of the
12 same make and model and performing tests expecting the tests to perform identically as in
13 Seleznev's original laptop ignores the myriad number of issues that are external to the solid state
14 drive and could yield inaccurate results. Therefore the only reliable way to test the true
15 functioning of Mr. Seleznev's laptop is to perform testing on the original laptop.

16
17 **PROTECTING THE INTEGRITY OF ORIGINAL EVIDENCE**

18 6. It is understood and agreed that all original evidence in the Sony Vaio laptop must
19 be protected and preserved as reliable evidence. There are two types of original evidence in the
20 Sony Vaio that must be preserved and protected: BIOS settings and all data on the SSD drive.

21 7. BIOS SETTINGS PRESERVATION. BIOS settings are easily customized or
22 changed by the end user. Unfortunately these settings cannot usually be read and written to
23 external media. However, the settings are easily viewable on the screen while navigating through
24 the BIOS settings. Therefore, to preserve these settings, all that needs to be done is to navigate
25

1 through all the BIOS setting screens and take photographs of the screens showing the settings.
2 This also serves to document the settings so that they may be maintained throughout testing.

3 8. SSD DRIVE DATA PRESERVATION. It would be optimal to test the
4 functioning of the original laptop using the original SSD hard drive. However, a second
5 acceptable testing protocol would be to perform direct testing on Mr. Seleznev's Sony Vaio
6 laptop with a similar SSD drive loaded with the contents of the original SSD Drive. This making
7 of a cloned copy of the original evidence drive for testing can be performed in such a way as to
8 guarantee protection of the original evidence on the original SSD drive.

9 9. The original SSD drive would be physically removed from the laptop. The
10 original SSD drive would be connected to a write-block device (to protect it from being altered)
11 and an exact bit-for-bit bitstream copy of the original drive made onto another similar SSD drive.
12 The original SSD drive would be put back into secure evidence storage. The bitstream image
13 drive would be known as the "master copied" drive. The "master copied" drive would then be
14 connected to a write-block device to make another bit-stream drive copy which would be known
15 as the "working copy" drive. The "working copy" drive would be installed in the laptop and it
16 would function for all intents and purposes identical to the original SSD drive. Since testing on
17 the "working drive" would alter and change data on the drive, another "working drive" copy
18 could be made at any time from the "master copy" drive for repeated testing in conditions
19 replicating those of the original drive.

20 10. Using this procedure, tests could be performed on the Sony Vaio laptop by defense
21 experts or government experts. There is no fear of permanently altering original evidence on the
22 original evidence drive as it would be kept in government secure storage. There is no fear of
23 altering BIOS data that cannot be reset to original settings as documented in screenshot
24 photographs. In other words, this testing protocol has the advantage of discovering the truth of
25 how the original laptop operated while protecting original evidence.

7 12. I estimate that the time to prepare for and conduct the tests described above, and
8 the time needed to analyze and report on the observed changes, to be at least six weeks, assuming
9 best case coordination of government and defense experts's schedules and defense experts's
10 convenient access to the Sony Vaio laptop for testing.

12 I declare under penalty of perjury of the laws of the United States and the State of
13 Washington that the foregoing is true and correct.

15 DATED this 14th day of April, 2016 in Kirkland, WA USA

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